



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,183	10/17/2001	Satoshi Oshima	62807-016	3969

7590 05/05/2004  
MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
----------	--------------

2113

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/978,183

Applicant(s)

OSHIMA ET AL.

Examiner

Christopher S. McCarthy

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Poisner U.S.

Patent 6,012,154.

As per claim 1, Poisner teaches a method of supervising a failure of a system using a timer, comprising the steps of: (a) activating said timer and determining whether said timer is reset or not (column 2, lines 31-34); (b) counting down said timer if not reset (column 2, lines 31-34, 57-60); (c) determining whether said timer has gone time out at a predetermined time (column 2, lines 36-39); (d) generating a signal for recovery from the failure in the case where said timer has gone time out (column 2, lines 36-53); and (e) repetitively executing said steps (a) to (d) for the next timer in the case where the failure cannot be recovered from (column 4, lines 1-13).

As per claim 2, Poisner teaches a failure supervising method according to claim 1, wherein in accordance with the signal generated in step (d), the step of setting a flag, the step of

Art Unit: 2113

outputting an interrupt signal, the step of outputting a non-maskable interrupt and the step of outputting a system reset signal are sequentially executed, thereby recovering from the failure in accordance with the degree of the failure progressively each time said step (e) is executed (column 4, lines 1-13, 60-65; column 2, lines 31-53).

As per claim 3, Poisner teaches a failure supervising method according to claim 1, wherein a plurality of conditions are set for resetting said timer, and the timer reset operation and the corresponding one of said conditions are combined each time said step (e) is executed (column 4, lines 1-13).

As per claim 4, Poisner teaches a failure supervising method according to claim 1, wherein the step executed in accordance with said signal generated in said step (d) is recorded (column 4, line 66 – column 5, line 28), wherein a record is inherently kept of the last interrupt so the process knows which interrupt to activate next.

As per claim 5, Poisner teaches an apparatus for supervising a failure of a system using a timer, comprising: (a) means for activating said timer and determining whether said timer is reset or not (column 2, lines 31-34); (b) means for counting down said timer if not reset (column 2, lines 31-34, 57-60); (c) means for determining whether said timer has gone time out at a predetermined time (column 2, lines 36-39); (d) means for generating a signal for recovery from the failure in the case where said timer has gone time out (column 2, lines 36-53); and (e) means for repetitively activating said means (a) to (d) for the next timer in the case where the failure cannot be recovered from (column 4, lines 1-13).

As per claim 6, Poisner teaches a failure supervising apparatus according to claim 5, wherein in accordance with the signal generated from said signal generating means, the step of

Art Unit: 2113

setting a flag, the step of outputting an interrupt signal, the step of outputting a non-maskable interrupt and the step of outputting a system reset signal are sequentially executed, thereby recovering from the failure in accordance with the degree of the failure each time said repetitively activating means (e) is activated (column 4, lines 1-13, 60-65; column 2, lines 31-53).

As per claim 7, Poisner teaches a failure supervising apparatus according to claim 5, wherein a plurality of conditions are set for resetting said timer, and the timer reset operation and the corresponding one of said conditions are combined each time said repetitively activating means is activated (column 4, lines 1-13).

As per claim 8, Poisner teaches a failure supervising apparatus according to claim 5, wherein said signal generating means includes means for recording the step executed in accordance with said generated signal (column 4, line 66 – column 5, line 28), wherein a record is inherently kept of the last interrupt so the process knows which interrupt to activate next.

As per claim 9, Poisner teaches a method of supervising a failure of a system using a timer, comprising the steps of: (a) counting down said timer in the case where the activated timer is not reset (column 2, lines 31-34, 57-60); (b) executing the steps for recovering from the failure in the case where said timer goes out at a predetermined time (column 2, lines 36-39); and (c) in the case where said system fails to recover from the failure, repeatedly executing the steps (a) and (b) for the next timer thereby to recover from the failure in accordance with the degree of the failure progressively in each stage (column 4, lines 1-13; column 4, lines 1-13, 60-65; column 2, lines 31-53).

***Conclusion***


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (703)305-7599. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm  
April 30, 2004

  
ROBERT BEAUSOLIEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100